

Brian R. Nester (*pro hac vice*)
bnester@sidley.com
Anna M. Weinberg (*pro hac vice*)
aweinberg@sidley.com
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, D.C. 20005
Telephone: (202) 736-8000
Facsimile: (202) 736-8711

Richard A. Cederoth (*pro hac vice*)
rcederoth@sidley.com
David C. Giardina (*pro hac vice*)
dgiardina@sidley.com
SIDLEY AUSTIN LLP
One South Dearborn
Chicago, IL 60603
Telephone: (312) 853-7000
Facsimile: (312) 853-7036

M. Patricia Thayer (SBN 90818)
pthayer@sidley.com
Ezekiel L. Rauscher (SBN 269141)
erauscher@sidley.com
SIDLEY AUSTIN LLP
555 California Street
Suite 2000
San Francisco, California 94104
Telephone: (415) 772-1200
Facsimile: (415) 772-7400

Attorneys for Plaintiffs
ASUS COMPUTER INTERNATIONAL,
ASUSTEK COMPUTER INCORPORATED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ASUS COMPUTER INTERNATIONAL; and
ASUSTEK COMPUTER INCORPORATED

Plaintiffs,

vs.

INTERDIGITAL, INC.; INTERDIGITAL
COMMUNICATIONS, INC; INTERDIGITAL
TECHNOLOGY CORPORATION; IPR
LICENSING, INC.; and INTERDIGITAL
PATENT HOLDINGS, INC.,

Defendants.

Case No. 15-cv-1716 (BLF)

**STIPULATION AND ~~PROPOSED~~
ORDER TO MODIFY PLEADING
DEADLINES**

STIPULATION

Pursuant to Civil Local Rule 6-1(b) and Federal Rule of Civil Procedure 15(a)(2) and (3), plaintiffs ASUS Computer International and ASUSTeK Computer Inc. (collectively "ASUS") and defendants InterDigital, Inc.; InterDigital Communications, Inc.; InterDigital Technology Corporation; IPR Licensing, Inc.; and InterDigital Patent Holdings, Inc. (collectively "InterDigital") submit this Stipulation and [Proposed] Order to modify the pleading deadlines in this matter.

Whereas, on April 15, 2015, ASUS filed a complaint against InterDigital, alleging counts for (1) violation of Section Two of the Sherman Act; (2) violation of Section 17200 of the California Business & Professional Conduct Code; (3) breach of contract from ongoing negotiations; (4) breach of contract leading to and resulting from the 2008 PLA; (5) promissory estoppel; (6) waiver; and (7) fraudulent inducement to contract;

Whereas, on August 25, 2015, the Court issued an Order granting in part and denying in part InterDigital's motion to compel arbitration compelling arbitration of all of the original seven counts except for (3) breach of contract from ongoing negotiations and staying these proceedings pending the arbitrator's decision on arbitrability of the other six counts;

Whereas, on July 14, 2016, ASUS filed a Notice of Arbitral Tribunal's Decision on Arbitrability, providing notice of the Tribunal's Interim Award on Jurisdiction finding all the parties' claims asserted in the ensuing arbitration not arbitrable except for (i) ASUS's claim for fraudulent inducement; (ii) InterDigital's seventh claim for declaratory relief of no fraudulent inducement to contract; and (iii) InterDigital's claim for breach of the dispute resolution clause in the 2008 PLA;

Whereas, on July 15, 2016, the Court issued an Order lifting the stay on these proceedings;

NOW, THEREFORE, the parties stipulate and request the Court to issue an order amending the pleading deadlines as follows:

(a) ASUS may file an Amended Complaint by Friday, August 5, 2016 or one court day after the Court issues this Proposed Order, whichever date is later;

(b) InterDigital may respond to the Amended Complaint, to the extent permitted by the

1 Federal Rules of Civil Procedure, by Friday, August 26, 2016 or 21 days after ASUS files its
2 Amended Complaint, whichever date is later; and

3 (c) InterDigital need not answer ASUS's original Complaint filed on April 15, 2015.
4

5 Dated: August 4, 2016

SIDLEY AUSTIN LLP

7
8 By: /s/ Brian R. Nester
Brian R. Nester
9 Attorneys for Plaintiffs
ASUS COMPUTER INTERNATIONAL, and
10 ASUSTEK COMPUTER INCORPORATED

11 Dated: August 4, 2016

12 WILSON SONSINI GOODRICH & ROSATI

13
14 By: /s/ Maura L. Rees
Maura L. Rees
15 Attorneys for Defendants
16 INTERDIGITAL, INC.; INTERDIGITAL
17 COMMUNICATIONS, INC; INTERDIGITAL
TECHNOLOGY CORPORATION; IPR
18 LICENSING, INC.; and INTERDIGITAL
PATENT HOLDINGS, INC.
19
20
21
22
23
24
25
26
27
28

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

The Court, having read and considered the parties' Stipulation to Modify Pleading Deadlines, and finding good cause in support thereof, hereby orders that the pleading deadlines are as follows:

(a) Plaintiffs ASUS Computer International and ASUSTeK Computer Inc. (collectively "ASUS") may file an Amended Complaint by Friday, August 5, 2016 or one court day after the Court issues this Proposed Order, whichever date is later;

(b) Defendants InterDigital, Inc.; InterDigital Communications, Inc.; InterDigital Technology Corporation; IPR Licensing, Inc.; and InterDigital Patent Holdings, Inc. (collectively "InterDigital") may respond to the Amended Complaint, to the extent permitted by the Federal Rules of Civil Procedure, by Friday, August 26, 2016 or 21 days after ASUS files its Amended Complaint, whichever date is later; and

(c) InterDigital need not answer ASUS's original Complaint filed on April 15, 2015.

Dated: Aug. 15, 2016


BETH LABSON FREEMAN
United States District Judge

FILER'S ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), counsel for plaintiffs ASUS Computer International and ASUSTeK Computer Inc. has obtained the concurrence of Maura L. Rees, counsel for defendants InterDigital, Inc.; InterDigital Communications, Inc.; InterDigital Technology Corporation; IPR Licensing, Inc.; and InterDigital Patent Holdings, Inc., in the filing of this stipulation.

Dated: August 4, 2016

By: /s/ Brian R. Nester
Brian R. Nester
Attorneys for Plaintiffs
ASUS COMPUTER INTERNATIONAL, and
ASUSTEK COMPUTER INCORPORATED